

REMARKS

Claims 103-117 are pending. The Examiner rejected claims 103-117 and objected to the specification. Applicants have herein amended the dependency of claim 117. Applicants have also deleted the figure on page 21 of the specification and amended the specification on page 20 to correspond to such a deletion. No new matter has been added. Accordingly, claims 103-117 are pending.

In light of the amendments and the remarks herein, Applicants respectfully request reconsideration and allowance of all claims.

Rejections under 35 U.S.C. § 112

The Examiner rejected claim 117 under 35 U.S.C. § 112 as being indefinite, stating that claim 117 should depend from claim 116. Applicants have amended the dependency per the Examiner's suggestion. Accordingly, Applicants respectfully request withdrawal of the rejection.

Objection to the Specification

The Examiner objected to the specification because the specification included a graph on page 21. Applicants have amended the specification to delete the graph on page 21 and to amend the specification on page 20 to correspond to such a deletion. Applicants respectfully assert that the figure on page 21 is not necessary under 35 U.S.C. § 113 to understand the subject matter to be patented or to support any of the presently pending claims. Accordingly, Applicants respectfully request withdrawal of the objection.

Double Patenting Rejections

The Examiner rejected claims 103-117 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Pat. No. 6,676,929. Attached hereto is a terminal disclaimer under 37 C.F.R. §§1.321(c) and 3.73(b) signed by a registered attorney of record. Both the conflicting patent (U.S. Pat. No. 6,676,929)

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and the present application are commonly owned by assignee EPIX Medical, Inc. Accordingly,
Applicants respectfully request withdrawal of the rejection.

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CONCLUSION

Applicants respectfully assert that all claims are in condition for allowance, which action is requested. The Examiner is invited to telephone the under-signed attorney if such would expedite prosecution.

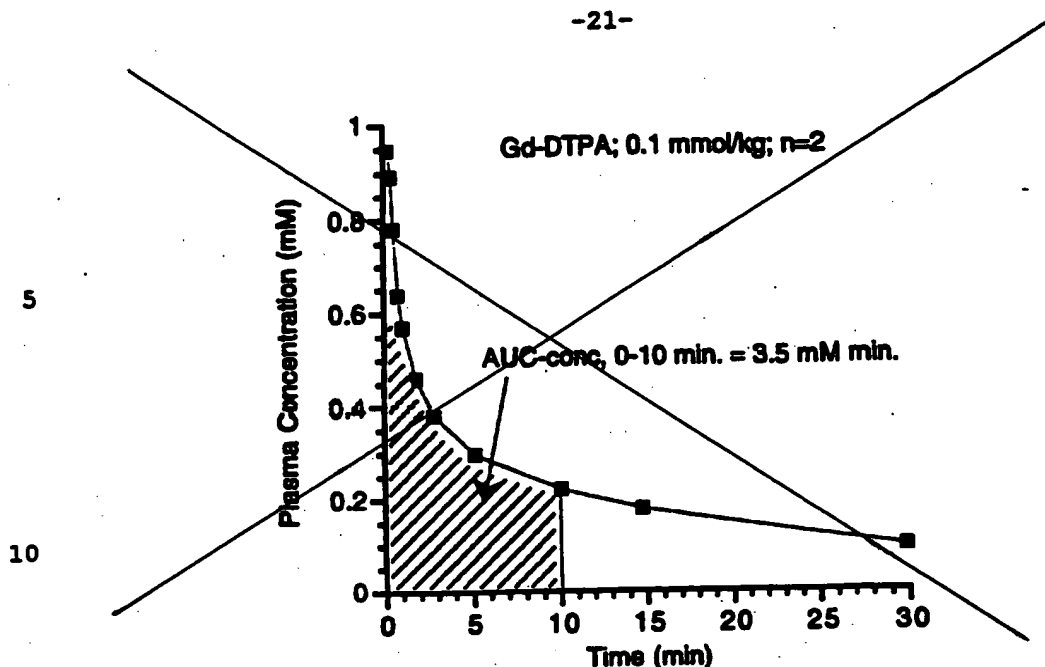
The fee for a terminal disclaimer under 37 C.F.R. § 1.20(d) is attached hereto. No other fee is believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 4/6/05


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15 The contrast agents of this invention exhibit an AUC-conc. increase of at least 20% when the BHEM is added to the IEM and PPBM. They preferably exhibit an AUC-conc. increase of at least 40%, more preferably at least 70% and even more preferably at least 100%. In
20 general, the increase in AUC-conc. caused by a BHEM is greater when the binding in plasma is significant, e.g., 20%-50% or greater. The calculated percent increase in AUC-conc. may be different for AUC-conc.'s determined over different time periods. Generally, the
25 percent increase in AUC-conc. caused by the BHEM is greater for AUC-conc.'s taken over longer periods, e.g., 0-30 min., rather than 0-10 min.

Since the structure and physical characteristics of the entire contrast agent molecule will
30 govern its binding in plasma, it is important to select IEMs and BHEMs that are compatible with the desired binding. For example, to achieve binding to the